

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

HAROLD PAUL MARCHAND,

Petitioner, No. CIV S-05-0020 DFL KJM P

vs.

RODERICK Q. HICKMAN, et al.,

Respondents. ORDER

Petitioner has requested the appointment of counsel. There currently exists no absolute right to appointment of counsel in habeas proceedings. See Nevius v. Sumner, 105 F.3d 453, 460 (9th Cir. 1996). However, 18 U.S.C. § 3006A authorizes the appointment of counsel at any stage of the case “if the interests of justice so require.” See Rule 8(c), Fed. R. Governing § 2254 Cases. In the present case, the court does not find that the interests of justice would be served by the appointment of counsel at the present time.

Petitioner also has filed a notice, advising the court that his opposition to the motion to dismiss would be untimely because of transportation problems. The opposition has now been filed.

Accordingly, IT IS HEREBY ORDERED:

1. Petitioner’s August 31, 2006 motion for appointment of counsel is denied without prejudice to a renewal of the motion at a later stage of the proceedings.

1                   2. Petitioner's September 15, 2006 opposition to the motion to dismiss is deemed  
2 timely.

3 || DATED: October 3, 2006.

UNITED STATES MAGISTRATE JUDGE

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